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EMPLOYMENT AND COMPENSATION OF PRISONERS.

(Report of Committee A of the Institute.)

EDWIN M. ABBOTT, Chairman.¹

The consideration of the questions of employment and of compensation of prisoners is of such importance that it is impossible for your committee at this time to make a report sufficiently comprehensive to justify conclusive action on the part of the Institute.

In undertaking the solution of the problems presented to your committee, we have considered both subjects of employment and compensation severally, and therefore present the results of our investigation along these lines.

The question of employment of prisoners is not a new one, and has been considered in nearly every state in the Union. There are many viewpoints on this subject, varying from the states in which prisoners are not employed at all, or in which number of prisoners employed is limited, to the other extreme, in which every prisoner is assigned some work to perform, even the "short-termers."

The most popular form of employment among many of the states is road work, and in fact that is the only form of employment recognized in many of the states outside of menial service in the institution itself. There are almost as many methods employed in utilizing prisoners as there are states. Conditions, to a great extent, regulate the character of employment.

The penal farm is the system which is now increasing in popularity. This system does not imply simply a farm, for many of the penal farms are supplied with buildings in which manufacturing and other pursuits are followed. The penal farm system did not originate in this country. It has proved most satisfactory wherever tried abroad. Usually it has been used as the workshop for minor convicts. At Merksplas, Belgium, is probably the largest institution in Europe. The majority of these inmates are habitual drunkards, and they are put to work on the farm, in reclaiming land and in manufacturing articles which are exported to the colonies. This farm has produced a return to the government over all expenses.

In Switzerland the government has established labor colonies in every one of its 22 cantons. All who are guilty of minor offenses are committed there, as well as the unemployed who may apply for work. Witzwyl is the largest of these colonies, and the inmates not only farm, but make wagons, carriages and wearing apparel. All of these colonies are more than self-supporting.

Holland also has a large institution at Veenhuisen, which is self-supporting from the products of agriculture, forestry and floriculture.

Thirty-four of these labor colonies exist in Germany. At Viefeld there are over 2,000 acres. Here again the population is of those

¹The entire committee is as follows: Edwin M. Abbott, Esq., Philadelphia, chairman; William H. Baldwin, Esq., Washington; Commissioner Katherine B. Davis, New York City; Dr. E. Stagg Whitin, New York City; Hon. William N. Gemmill, Chicago; Hon. Robert Ralston, Philadelphia; Dr. F. W. Sears, Burlington.

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committed for minor offenses, and those who voluntarily apply for work, the result showing a good profit over all expenses of maintenance.

In this country the farm system has been progressing very rapidly; Cleveland receives prominence from the splendid system which it has equipped, known as the Cooley Farm.

Louisiana has been very successful with its system, and has established three large farms which have been more than self-sustaining, although they were somewhat handicapped in 1912 by great floods. The raising of farm products, cotton, sugar-cane, live stock and the development of the lumber industry have all been carried on successfully there. It is to the lumber industry that the present board of control is turning its greatest attention. As stated in a recent report, "We can secure better returns than in almost any other line."

Other states that manage convict farms with success are North Carolina, Mississippi and Georgia, where corn, wheat, peanuts and cotton are raised; Texas, where not only food products are raised, but workshops have been established where articles are made and repaired; West Virginia, where farming, cattle raising and dairying are the forms of employment; Delaware, Arkansas, Alabama, Florida and Virginia afford other illustrations of successful farm colonies.

In Minnesota, just outside of Duluth, is a unique prison camp; 1,000 acres have been secured where barns, toolshops and living apartments have been erected. The men cut the lumber and operate the sawmill. Stone is quarried and converted into road material. Land itself is developed and improved, and the plan is to dispose of it and to move on to another portion of the state for a similar operation. This system is conducted jointly by a commission representing both the county and city of Duluth.

Michigan, Massachusetts and New York also have established farms for minor offenders, drunkards and vagrants, while among the western states Oregon, Oklahoma and Idaho have done likewise. Indiana is another state where the convict farm has just been established.

In many of the states, however, a new system is taking hold. As can be seen from a review of what has been done in this country, employment has been provided principally for those guilty of minor offenses and drunkenness. The employment of the long-term prisoner, one who must be supported by the state and whose dependents are handicapped through his incarceration, is the most vital question of today. Reduction to the state of the cost of keeping these men, the improvement of their moral condition and the fitting of them for future good citizenship are in the direction of the evolution now going on.

Pennsylvania has established a new Western Penitentiary in Centre County on a 1,500-acre tract. The buildings are being erected and the grounds laid out by long-term prisoners from the Western Penitentiary, now located in Allegheny County, all of whom are working without guard, upon the honor system. A commission has just been appointed which will evolve a system of employment of prisoners in all of the institutions of the state, and take up the question of compensation for their labors and the distribution of the compensation.

In the state of Washington "honor camps" have recently been established in which prisoners work upon the highways.

In South Carolina the convicts are employed upon the highways and the amount of their work is taken into consideration in commutation of sentence.

Many of the states in recent years have enacted laws providing for the support of wives and children who have been deserted, by arresting and sentencing the delinquent to some class of labor which will bring a return for the support which the state metes out to the dependents. Most of this work is road work or the making of road material. California had such an act passed in 1911, but has never enforced it; Pennsylvania, in 1907, granted the various counties of the state the same privileges of working the inmates of county jails upon the roads, even for greater offenses than enumerated above, but only three counties have ever been known to make use of this privilege since that time.

The above system seems to be the connecting link between the present and the future when all inmates of all penal institutions shall be compelled to work. The laws in nearly every state in the Union requiring separate and solitary confinement have lately been either modified or repealed, and prisoners are now allowed to congregate for the purpose of worship, labor, recreation, etc. This removes the main obstacle to the employment of all prisoners.

In New York and Massachusetts, today, prisoners in the penitentiaries are employed in manufacturing articles to be used in almost every department of the state government as well as supplying clothing, utensils and other necessary equipment for the inmates of state institutions. Even wrought-iron work and material for building construction are produced. The state of Ohio is pursuing the same course. The catalogues which are distributed by these institutions and furnished to the various departments of the state from which they must purchase their supplies, are as extensive and elaborate as those furnished by the largest mercantile houses in the country.

The question of compensation for this labor has not been effectively solved. In Ohio they are paying men one to three cents an hour, according to the grade of their work.

Pennsylvania has a system of compensation for services rendered in the limited forms of employment allowed there, but this can be earned only by those of the 35 per cent allowed to work, and who work overtime. A system of payment which could be made in the various counties of that state has only in rare instances been adopted and utilized.

Many states have the contract system, but this is rapidly passing away. The unfavorable criticism that has been aroused by the contract system and the methods employed by contractors has probably stopped any further spread of that disease. The state-use system or the institutional-use system have sprung up in its stead.

To manufacture furniture or supplies and to raise products which can be used in charitable or penal institutions of the state or in the subdivisions of the state is the purpose of these systems. The institu-

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tional-use system restricts this supply to the institutions themselves. The state-use system is much broader, and consequently gives greater field of demand for supplies.

Minnesota State Prison, as far back as 1898, established a method of compensation to prisoners and provided for distribution of the funds; and in New Jersey a system of credit, not to exceed fifty cents for each working day, has been established for the support of dependent families.

Washington, in 1913, adopted a similar law, and in Utah unmarried prisoners are credited with a sum not to exceed 10 per cent of their earnings, and married persons with 25 per cent of their earnings, the board of control to disburse the sum among their dependents.

Texas allows ten cents a day as a credit to the prisoner, to be paid to his family dependent upon him; while in South Dakota a recent law provides for the disposition of the earnings of prisoners.

In Michigan, North Dakota, Kentucky, Delaware, Oregon, Nebraska, Wisconsin and Rhode Island laws have been passed providing for the employment of prisoners, with a provision that a small sum shall be awarded to dependents for their maintenance.

Other states have laws dealing with this subject, but with no uniform system either of payment for services or for the disbursement of the fund accumulated by the prisoner.

In the District of Columbia the commissioners have taken under consideration the enactment of legislation which will permit payment to all prisoners sent to their farm at Occoquan, in Virginia. Here, not only is a farm established, but various workshops, and manufacturing plants are being encouraged, and those interested hope that a uniform system of payments will soon be authorized for all of the inmates.

In Pennsylvania, the commission is considering the recommendation of a uniform system of payment by piece-work or per hour. This wage is to be of sufficient magnitude to allow of a fractional deduction for cost of conviction, the cost of maintenance, the support of dependents, and the raising of a fund to be given to the prisoner upon discharge. The dependents will be paid through an order made in the home county, which shall be certified to the keeper of the institution, and no payment shall be made in lump sum, but shall be by fractional part of the income of the prisoner.

With the many systems therefore in use, and with the many more in contemplation, it is a difficult matter to submit to this Institute any opinion as to what would be a model act. However, the committee have united upon many of the most important features of the entire question, and would therefore recommend as follows:

- (a) That all prisoners should be employed.
- (b) That all prisoners should be compensated.
- (c) That the state-use system is the best method for utilizing the results of the labor of prisoners.
- (d) That the contract system should be abolished.
- (e) That dependents of prisoners should receive a substantial portion of their compensation.

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(f) That none of the goods manufactured should be sold in the open market.

(g) That a portion of the compensation paid prisoners should always be retained for the prisoner, to be given him at the time of discharge.

(h) That the state should be reimbursed for the cost of maintenance of the prisoner.

DISCUSSION.

PROFESSOR TODD, of Pittsburgh—In general, I agree with the report of the Committee, but I find in it two things that I should rather hesitate about seeing the Institute commit itself to at this time. In the first place, I do not believe, from the showing made by the State-Use System—much as I sympathize with it—that we should give our unqualified approval to that system. I think if Mr. Abbott's Committee had gone out as far as Minnesota and talked with the Warden of the Stillwater prison, he would have found objections to the State-Use System, and he would have seen the admirable system which they have there, whereby the state assumes responsibility for its goods in the open market. Then, too, the experience in Illinois has suggested a number of objections to the State-Use System, though many of them might perhaps be overcome by improving the quality of administration. For example, the University of Illinois is obliged to buy its furniture from the penal institutions of the state, and also is obliged to have its printing done in them. I remember conducting the work of some of our classes for a whole semester where we had to use tables that were almost falling to pieces because of the poor quality of their construction, and chairs that were rickety. The veneering was very badly done and, generally speaking, they were badly put together. Then the printing came to us sometimes in such shape that we could not use it, and we had to get authority to enable us to send out and have it done in the open market.

It seems to me that before we commit ourselves definitely to this exclusive system by any such vote as would approve the report of the Committee as a whole, we must make a proviso that through the cleaning up of politics, or through a special course for prison officials, some system shall be devised whereby men may be trained to meet successfully the arduous economic and administrative requirements involved in a workable State-Use System.

I believe, in the second place, that most of the wardens of our prisons would oppose the idea of wholesale payment of compensation to prisoners. At a meeting of wardens last year in Indianapolis, which I was privileged to attend, a number of wardens said that while they might accept it as good in principle, they questioned how, from an economic standpoint, the fund was to be derived from which compensation could be made.

Instead of committing ourselves finally to the principle of the payment of wages to prisoners, why not say, if we approve of the principle in general, that we will accept it in this form: That we approve of the proper care of the dependents of prisoners out of the earnings, if possible, of the prisoners themselves; and, if that is not possible, then make the care of those dependents a charge upon the public charity funds of the state. While it is

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true that crime and dependency proceed to a certain extent from similar sources, yet I think from the standpoint of administration we may somewhat cloud our vision if we mix up too closely these two branches of administration—penal and charitable.

In general, then, I accept the spirit of the report; but I should have liked to hear some discussion of the financing of the system.

MR. BALDWIN, of Washington, D. C.—I believe that all prisoners should be employed, and if there are no dependents of a prisoner, I think the state should be reimbursed for the maintenance of a prisoner. As Professor Todd has intimated, there is another question here, and I disagree—respectfully, of course—with the statement of Item E in this report, that dependents of prisoners should receive a substantial portion of their compensation. I would have phrased that differently, and would say that the dependents of prisoners should be the primary beneficiaries of their earnings. I think, too, that when the state takes an able-bodied man who has a family dependent upon him, the state ought to see that some part of the earnings of that man go to the support of his family. Mr. Parker of Massachusetts spoke of the law passed there three years ago. I have a report from that state, stating that the amount paid for the support of prisoners rose from \$6,000 to \$19,000, but that they had collected from men under sentence for non-support \$140,000. So that this compensation that goes to the prisoners, and is paid at the rate of fifty cents a day to their families, is a direct help to the state in getting \$140,000. An effort was made several years ago to have this same law passed in Pennsylvania, but there were some influences there that opposed it, and I was much interested in hearing from Mr. Abbott last year that as a member of the legislature he had opposed it, because there was no provision there for the employment of the prisoners, though there is a law for making them work on the roads. Now they have passed instead of that a permissive law, which works out very well in Pittsburgh, and something of the same kind has been done in Philadelphia, but I am informed that it is not enforced generally and that the compensation feature interferes with its enforcement.

What was said in the report about Pennsylvania gives me a chance to say what I think about the whole situation. I would not give the privilege to the counties to employ these prisoners, but I would make it obligatory. That puts the responsibility on the state of getting a reimbursement for the amount expended by it in the maintenance of these prisoners. Reference was made to the fact that California and Oregon had passed a similar law, but I believe they have not been put in force, because the law in each case was permissive, and, besides, it made the compensation a dollar and a half a day, and that was too much. I believe in beginning on the compensation feature as part of the non-support law. As Mr. Abbott has stated, it seems to be the connecting link between the old system and the employment of all prisoners, and it has worked so well here in the District of Columbia since it was started that I sincerely hope the recommendation that all prisoners be compensated will be adopted for the District.

As to the recommendation that none of the goods manufactured in the prison shall be sold in the open market, I would not put it that way. The prisoner should be employed and his dependents compensated. Then after

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that, if there is anything left over, it might be accumulated for the benefit of the prisoner upon his release. Now, if prisoners are to be compensated, the goods that are manufactured by them will have to be provided with a market. I believe in the State-Use System. I would not say that none of the goods shall be sold in the open market. We can express a preference by the declaration that the State-Use System is the best system. Also that a portion of the compensation paid to prisoners may be retained, to be given to the prisoner at the time of his discharge. Also that the first application of the compensation paid to the prisoner shall be to the support of his dependents. The dependents of the prisoner should be made the primary beneficiaries of his earnings.

I have been speaking in a general way about this report. I do not want to be understood as being out of sympathy with the general statements of the Committee, but one is at a disadvantage where there has been no melting-pot into which can go all the ideas and thoughts of the members of the Institute.

On motion by Mr. MacChesney of Chicago the report was received and recommitted to the Committee for further report.